

Full Notice of Intent to Adopt
and Amend Administrative Rules and State Implementation Plan
Relating to Air Pollution Control
North Dakota Department of Health
and Air Pollution Control Advisory Council

will hold a public hearing to address proposed changes to the N.D. Admin. Code Article 33-15 and the State Implementation Plan (SIP) for the control of air pollution.

4th Floor Conference Rm.
Gold Seal Center
918 E Divide Ave.
Bismarck, ND
Tuesday, April 10, 2012
9:00 a.m. CDT

The purpose of the proposed rules and SIP revisions is to implement requirements under the Federal Clean Air Act. Certain revisions will repeal rules that appear to be inconsistent with the Federal Clean Air Act. Other changes provide for a General Permit to Construct, exemption from permitting requirements for certain small sources and other changes to be consistent with Federal rules. Revisions to the following rules (not the entire rule) will be submitted as a revision to the SIP.

Chapter 33-15-01	General Provisions
Chapter 33-15-03	Restriction of Emission of Visible Air Contaminants
Chapter 33-15-05	Emissions of Particulate Matter Restricted
Section 33-15-14-02	Permit to Construct
Chapter 33-15-15	Prevention of Significant Deterioration of Air Quality
Chapter 33-15-17	Restriction of Fugitive Emissions
Section 33-15-23-02	Permit to Construct Fees
Section 33-15-23-03	Minor Source Permit to Operate Fees

The revisions listed above are intended to maintain compliance with the National Ambient Air Quality Standards, and address the Prevention of Significant Deterioration and fee requirements of the Federal Clean Air Act.

In addition to the rule changes, the following SIP revisions and SIP certifications are also subject to public comment:

1. Alternative Operating Monitoring Plan for M.R. Young Station Unit 1 Main Boiler
2. Certification that the North Dakota SIP is adequate to meet the requirements for implementation of the 2008 Lead National Ambient Air Quality Standard (NAAQS)

3. Certification that the North Dakota SIP is adequate to meet the requirements for implementation of the 1997 PM_{2.5} NAAQS.
4. Certification that the North Dakota SIP is adequate to meet the requirements for implementation of the 1997 Ozone NAAQS.

The alternative monitoring plan for the M.R. Young Station Unit 1 boiler addresses requirements in 40 CFR 51, Appendix P. The certifications address requirements in the Federal Clean Air Act Sections 110(a)(1) and 110(a)(2).

Non-SIP related revisions include updates to:

Chapter 33-15-12	New Source Performance Standards
Section 33-15-14-06	Title V Permit to Operate
Chapter 33-15-21	Acid Rain Program
Chapter 33-15-22	Emission Standards for Hazardous Air Pollutants for Source Categories
Section 33-15-23-04	Major Source Permit to Operate Fees
Section 33-15-23-06 (new)	Oil and Gas Well Production Facilities

The changes to the New Source Performance Standards, Title V Permit to Operate Program, Acid Rain Program and Emission Standards for Hazardous Air Pollutants for Source Categories update the rules to be consistent with Federal requirements. The change to the Major Source Permit to Operate fees exempts greenhouse gases. A new fee of one-hundred fifty dollars is proposed for each oil and gas well registration.

The rule changes are expected to have an impact on the regulated community in excess of \$50,000.

A copy of the proposed rules, SIP revisions and a regulatory analysis may be viewed at the Department's website at: www.ndhealth.gov/EHS/PublicNotices.aspx. A copy of the proposed rules, SIP Revisions and regulatory analysis may be obtained by writing to the North Dakota Department of Health, Division of Air Quality, 918 E Divide Avenue, 2nd Floor, Bismarck, ND 58501-1947 or calling (701)328-5188. Written comments may be submitted to the above-address from March 8, 2012 through April 21, 2012. If you plan to attend the public hearing and will need special facilities or assistance relating to a disability, please contact the Department of Health at the above-address at least seven days prior to the public hearing.

Dated this 8th day of February 2012.

Terry L. O'Clair, P.E.
Director, Division of
Air Quality